

REMARKS

The present application was filed on January 12, 2004 with Claims 1 through 56. Claims 1-9 and 29-37 are presently pending in the above-identified patent application. Claims 10-28 and 38-56 have been withdrawn from consideration. Claims 1 and 29 have been amended. New Claims 57-62 have been added.

In the Office Action, the Examiner required an affirmation of the provisional election of Group I; rejected Claims 1-5, 9, 29-33, and 37 under 35 U.S.C. § 102(a) as allegedly anticipated by McElhatten et al. (United States Patent No. 7,073,189)(hereinafter, "McElhatten"); and rejected Claims 6-8 and 34-36 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of McElhatten and Lu (United States Patent Publication No. 2002/0157115)(hereinafter, "Lu").

Applicants and applicants' undersigned representative thank Examiner Zhong for the effort taken in preparing the instant office action. Applicants respectfully traverse each and every rejection of the Examiner, as applied to the amended claims. The amendment of the claims and the remarks set forth herein are presented in a sincere effort to advance the case to allowance.

Affirmation of Election

Applicants hereby affirm the provisional election of Group I, Claims 1-9 and 29-37. The non-elected claims have been listed herein as "Withdrawn." Applicants stand ready to cancel such claims, upon allowance of this application, without prejudice to pursuing one or more divisional applications thereto.

Independent Claims 1 and 29

Claim 1 was rejected as allegedly anticipated by McElhatten. McElhatten is directed to a program guide and reservation system for a network based digital information and entertainment storage and delivery system. In particular, the Examiner cited column 10, lines 30-42 of McElhatten, which mention that a terminal can send a heartbeat to a media processor and that the media processor can cease transmitting a transport stream when the heartbeat is no longer received.

Amended Claim 1 recites that the server generates an alert *to prompt an operator of the communications network to contact a user of the device* if it is determined that the second signal is not received within the period. The cited portion(s) of McElhatten do not teach or suggest *generating an alert* in response to not detecting an expected heartbeat signal, and *a fortiori* do not teach or suggest *contacting a user of a device in response thereto*. The cited portion(s) of McElhatten merely teach ceasing transmission of a stream in response to not detecting an expected heartbeat signal, and are not directed to security, let alone security *from the user's perspective*. Support for the amendment is provided, for example, in the description of FIG. 4.

Since McElhatten neither teaches nor suggests all the limitations of Claim 1, it is respectfully submitted that the amended version of Claim 1 is patentable.

Claim 29 was rejected on the same rationale as was Claim 1. Claim 29 has been amended in a manner similar to Claim 1, and is thus patentable for at least the same reasons as Claim 1.

Dependent Claims 2-5, 9, 30-33, and 37

All these dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations.

Dependent Claims 6-8, and 34-36

All these dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations. Applicants respectfully assert that the proposed combination of McElhatten and Lu is improper, since the rationale mentioned by the Examiner in paragraph 9 of the office action would not teach, suggest, or motivate the skilled artisan to combine McElhatten with Lu to obtain the presently claimed invention, directed to *security from the perspective of a user*, and even assuming, *arguendo*, that the proposed combination of McElhatten and Lu were proper, the references, even in combination, fail to teach or suggest generating an alert *to prompt an operator of the*

communications network to contact a user of the device if it is determined that the second signal is not received within the period

New Claims 57-62

All these new dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations. For example, Claim 57 recites that, upon determining that the second signal is not received within the period, *a user record associated with the user is accessed to assist the operator to contact the user*. Claim 58 recites that if it is determined that the second signal is received within the period, a determination is made *whether the information identifying the device, contained in the second signal matches a host device identifier from a user record associated with the user*; and, responsive to determining that the information identifying the device, contained in the second signal does not match the host device identifier from the user record associated with the user, *the operator is prompted to investigate a potential unauthorized host replacement*. Claim 59 recites that responsive to determining that *the information identifying the device, contained in the second signal* does not match the host device identifier from the user record associated with the user, communication with the point-of-deployment (POD) module takes place to limit access to the network. These features of Claims 57-59 are neither taught nor suggested by McElhatten and Lu, whether alone or in combination. Similar comments apply to Claims 60-62. Support is provided, for example, in the description of FIG. 4.

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Conclusion

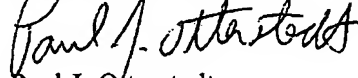
All of the pending claims following entry of the amendments, i.e., Claims 1-9, 29-37, and 57-62 are in condition for allowance and such favorable action is respectfully and earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated.

Date: April 1, 2008

Respectfully submitted,



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